

**Notice of Allowability**

Application No.

09/746,042

Examiner

Joseph R. Maniwang

Applicant(s)

WHITTEN, WILLIAM B.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/16/05.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 12 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

MARC D. THOMPSON  
**MARC THOMPSON**  
PRIMARY EXAMINER

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-10 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. The provision for controlling instant messaging access, by the steps of generating a recipient user controlled instant messaging contact list; segmenting the recipient user controlled instant messaging contact list into a plurality of segmented contact lists; selection by the recipient user of various ones of the segmented contact lists and specifying a message category membership in each segmented contact list as a technique of specifying accessibility levels to messages of selected segments of the user controlled instant messaging contact list is not fairly taught or suggested by the prior art of record. Support for this functionality can be found in the Specification, p. 2, line 22 through p. 3, line 10; p. 5, line 14 through p. 6, line 7; Fig. 2.
4. The provision for permitting a recipient of instant messages to control accessibility to receive instant messages from a list of potential senders, comprising the steps of preparing a contact list of potential acceptable senders of instant messages; segmenting the contact list into a plurality of categories and inserting selected names from the list of potential acceptable senders in selected ones of the plurality of categories; enabling selected ones of the plurality of categories for controlling the acceptance of instant messages from senders of the selected ones of the plurality of categories is not fairly taught or suggested by the prior art of record. Support for this

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functionality can be found in the Specification, p. 3, line 16 through p. 4, line 4; p. 5, line 14 through p. 6, line 7; Fig. 2.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

6. Applicant's arguments filed 05/16/05, with respect to claims 1-10 previously rejected under 35 U.S.C. 103(a) as being unpatentable over Liffick (U.S. Pat. No. 6,421,439) in view of Aravamudan et al. (U.S. Pat. No. 6,301,609) have been fully considered and are persuasive. The rejection of claims 1-10 has been withdrawn.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

MARC D. THOMPSON  
MARC THOMPSON  
PRIMARY EXAMINER